

House Bill 108

By: Representative Barnard of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for state-wide licenses for bird dealers or pet dealers who own or operate multiple  
2 dealership locations of the same class; to amend Title 4 of the Official Code of Georgia  
3 Annotated, relating to animals, so as to change certain provisions relating to licenses for  
4 dealers in exotic birds and pet birds and issuance, duration, renewal, and fees for such  
5 licenses; to change certain provisions relating to licenses for pet dealers and kennel, stable,  
6 or animal shelter operators and requirements, issuance, and applications for such licenses;  
7 to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to  
8 control of hazardous conditions, preventable diseases, and metabolic disorders, so as to  
9 change certain provisions relating to control of hazardous conditions, preventable diseases,  
10 and metabolic disorders; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by striking  
14 subsection (b) of Code Section 4-10-5, relating to licenses for dealers in exotic birds and pet  
15 birds and issuance, duration, renewal, and fees for such licenses, and inserting in lieu thereof  
16 the following:

17 “(b)(1) Bird dealers’ licenses shall be issued for a period of one year and shall be  
18 annually renewable. The department may establish separate classes of licenses, including  
19 wholesale and retail licenses. The department shall fix fees for licenses so that the  
20 revenue derived from licenses shall approximate the total direct and indirect costs of  
21 administering this chapter; but the annual fee for any such license shall be at least \$25.00  
22 but shall not exceed \$200.00.

23 (2) A bird dealer’s license shall cover all dealership locations of the same class owned  
24 or operated in this state by the same person or entity.”

**SECTION 2.**

Said title is further amended by striking Code Section 4-11-3, relating to licenses for pet dealers and kennel, stable, or animal shelter operators and requirements, issuance, and applications for such licenses, and inserting in lieu thereof the following:

“4-11-3.

(a) It shall be unlawful for any person to act as a pet dealer or operate a kennel, stable, or animal shelter unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.

(b) The Commissioner shall license pet dealers and kennel, stable, and animal shelter operators under the applicable provisions of Chapter 5 of Title 2, the 'Department of Agriculture Registration, License, and Permit Act.'

(c)(1) Licenses shall be issued for a period of one year and shall be annually renewable.

The Commissioner may establish separate classes of licenses, including wholesale and retail licenses. The Commissioner shall fix fees for licenses so that the revenue derived from licenses shall approximate the total direct cost of administering this article. The Commissioner may establish different fees for the different classes of licenses established, but the annual fee for any such license shall be at least \$25.00 but shall not exceed \$200.00.

(2) A pet dealer's license shall cover all dealership locations of the same class owned or operated in this state by the same person or entity.

(d) Applications for licenses shall be on a form furnished by the Commissioner and, together with such other information as the Commissioner shall require, shall state:

(1) The name of the applicant;

(2) The business address or addresses of the applicant;

(3) The complete telephone number or numbers of the applicant;

(4) The location or locations of the pet dealership, kennel, stable, or animal shelter;

(5) The type of ownership of the pet dealership, kennel, stable, or animal shelter; and

(6) The name of the owner or, if a partnership, firm, corporation, or other entity, the ~~name~~ names of the partners or stockholders.

(e) Notwithstanding the provisions of subsection (c) of this Code section, the license fees fixed pursuant to subsection (c) of this Code section shall be increased by 100 percent for the renewal of any license which is not renewed within ten days following the expiration date of the license or for the issuance of a new license to any person who has failed to apply for a license within ten days following the date on which written notice of the need for such license has been given to such person by the Commissioner or his or her authorized representative.”

**SECTION 3.**

Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, is amended by striking Code Section 31-12-9, relating to importation, sale, and breeding of animals and birds to be kept as pets, and inserting in lieu thereof the following:

“31-12-9.

In addition to its other powers in the control of preventable diseases, the department may by rule, regulation, and order provide for the licensing, registration, supervision, and investigation of all firms or persons importing, purchasing, breeding, or selling any birds or animals as pets, or any birds or animals which are customarily kept as pets, and may require all such firms or persons to comply with reporting and record-keeping requirements and marking, banding, or other identification requirements. A license issued under this Code section shall cover all dealership locations of the same class owned or operated in this state by the same person or entity. The department is further empowered to prescribe rules and regulations governing the shipment, transportation, or carriage of such birds or animals and require such other control measures deemed necessary to prevent infectious matter present in birds, arthropods, and animals from being conveyed to persons unless the responsibility of such control is by law delegated to some other agency.”

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.